




J. Craig Whitley
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)

In re:) Chapter 11
)
BK RACING, LLC,) Case No. 18-30241
)
Debtor.)

**ORDER GRANTING *EX PARTE* MOTION TO CONDUCT
DISCOVERY PURSUANT TO RULE 2004 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Before the Court is the *Ex Parte Motion of the Trustee to Conduct Discovery Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure* filed on March 13, 2020 (the “Motion”). [Doc. 419]. By his Motion, the Trustee¹ seeks, among other things, authority under Rule 2004 of the Federal Rules of Bankruptcy Procedure to obtain document and deposition discovery from the Rule 2004 Parties (identified below) who appear to have evidence related to the acts, conduct, property, assets, liabilities and financial affairs of the Debtor. Having considered the Motion and the relief requested therein, the Court has determined that good cause exists to grant the relief requested therein. Accordingly, it is ORDERED as follows:

1. The Motion is GRANTED.

¹ Unless otherwise defined herein, capitalized terms used herein shall have the meaning ascribed to them in the Motion.

2. The Trustee is hereby authorized to take discovery from the following persons or entities (the “Rule 2004 Parties”) pursuant to Bankruptcy Rule 2004:

- a. SunTrust Bank;
- b. Union Bank & Trust;
- c. Bank of America;
- d. Branch Banking & Trust;
- e. First Virginia Community Bank;
- f. Burke & Herbert Bank;
- g. Merrill Lynch Pierce Fenner & Smith;
- h. PNC Bank;
- i. James McElroy & Diehl, PA;
- j. McGuireWoods LLP;
- k. Nelson Mullins Riley & Scarborough LLP;
- l. Wyatt Law, PLLC;
- m. Nicole T. LeBouef;
- n. Eskovitz Lazarus and Pitrelli, PLLC;
- o. John Pitrelli;
- p. Key Title;
- q. Old Dominion Settlements, Inc.;
- r. The Title Professionals, LLC;
- s. BDO USA;
- t. Matthews Carter & Boyce; and
- u. Kenneth M. Prohoniak, CPA.

3. The Trustee is further authorized, as may be necessary or appropriate, to cause the issuance and service of subpoenas *duces tecum* and/or subpoenas *ad testificandum* on the Rule 2004 Parties or their representatives, pursuant to Rules 2004(c) and 9016 of the Federal Rules of Bankruptcy Procedure.

4. Unless otherwise agreed upon, the Trustee shall provide the Rule 2004 Parties with at least fourteen (14) days' notice of the taking of a deposition or for the production of documents in response to any subpoenas *duces tecum* issued pursuant to this Order, as contemplated in Local Rule 2004-1(c).

5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order, including any discovery disputes that may arise between or among the parties.

6. This Order is without prejudice to the rights of the Trustee to apply to take additional Rule 2004 discovery, or to seek discovery from any other person or entity.

<i>This Order has been signed electronically. The Judge's signature and Court's seal appear at the top of this Order.</i>	<i>United States Bankruptcy Court</i>
---	---------------------------------------